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**REPORT**  
  
**OF MR. HENRY HUGHES,**  
  
**OF MISSISSIPPI.**

READ BEFORE THE SOUTHERN CONVENTION AT VICKSBURG,  
MAY 10, 1859, ON THE SUBJECT OF THE AFRICAN  
APPRENTICE SYSTEM.

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Pending the discussion of the resolutions of Mr. Spratt, of South Carolina, in favor of the repealing of the laws of Congress prohibiting the African Slave Trade, ~~by~~ Mr. Henry Hughes, of Mississippi, read the following Report.

MR. PRESIDENT :

At the last meeting of the Southern Convention, the following resolution was adopted :

*“Resolved,* That a committee of seven be appointed to report to the next Convention—

“1. Whether, since the adoption of the Federal Constitution, the peculiar labor system of the United States South has progressed.

"2. Whether the relation of 'master to servant' is now identical with that originally contemplated by the Constitution.

"3. Whether, if the labor system has essentially progressed, and the relation of master and servant is not identical with the original relation, will the elevation of African Apprentices into what may be called Warranteeism, instead of Slavery, be, after a term and progress of twenty years, the elevation of the Apprentices into a labor-system contemplated by the Consttution."

As chairman of the Committee, appointed in pursuance of this resolution, the undersigned begs leave to submit the following Report and Resolutions :

When the Constitution of the United States was formed, our negro-labor system, was in theory and practice, Slavery ; its ultimate abolition was generally expected ; the Constitution itself bears evidence of this, and so do the public debates and private correspondence. The general belief was, that the spirit of the Great Revolution would make the servants as free and independent of the masters, as it had made the masters free and independent of the King. Nor was this all : there can be no kind of doubt that our labor-system was, at the formation of the Constitution, a system of inhumanity and injustice. On this point all testimony is concurrent. One error of the Revolutionary times, however, was as extraordinary as evil. The people and the people's statesmen knew truly two relations of servant to master, and therefore, deemed that only two labor-systems were possible. One was Slavery and the other free labor, consequently, while negro slavery was truly deemed to be inhuman and unjust, free labor was deemed to be its only substitute. Progress from slave labor was deemed a progress into free labor, and the destruction of one system the construction of the other ; hence the negro, when no longer a slave was to be a free hireling. It never occurred to the great Revolution's great

thinkers that between freedom at one extreme, and slavery at the other, the golden mean is liberty, that liberty is the order of slavery without its tyranny, and the immunity of freedom without its license, that in short, liberty is freedom inside of order. It never occurred to the thinkers of the Revolution that there was a third labor-system, that this, while not free labor and not slavery, combined all of their effects and none of their defects, and bore to them the relation which liberty bears to freedom on the one hand and slavery on the other. The Revolution's error, therefore, was that it knew slave labor and free labor, but ignored liberty labor. The three labor-systems, possible in civilization, are however so distinct that every citizen can appreciate their essential differences. But since power to be economized must first be systematized, what is a system?

A system is nothing more than power acting in order. The States' economic power is the masters' and servants'. Hence, if they act in order, the action will be nothing more than their association, adaptation, and regulation, for these are the elements of order. And as of these elements the chief is association, each labor-system will be characterized by the character of its associates and their association.

In free labor—

1. The nature of the association of master and servant or capitalist and laborer, is not public but private. The association in law is not a public but a private relation.

2. The motive to the association is desire. This is desire of either subsistence or bettered condition.

3. The origin of the association is a private contract.

4. The sanction of the association is government enforcement or civil damages.

5. The continuance of the association is not warranted or systematic. The labor-movement is as the labor-motive, and this is desire. But in civilization, desire of subsistence or of bettered condition, is not and cannot be

systemized. Hence, imperfect association, imperfect adaptation, and imperfect regulation are essential imperfections of free labor. The laborers work as long as they please and not as long as they ought.

6. The value of the association is the private contract or labor-obligation. This value measures the master's interest in the servant's existence and progress. The more valuable the labor-obligation, the greater the master's interest in the laborer. The labor-obligations however are for short terms and not capitalized or made negotiable like other valuable obligations, but are for terms not systematic but accidentally short or long. The labor-obligations are of course less valuable because not capitalized or made negotiable. They also are less valuable because virtually terminable at the desire of the laborer, because the sanction of the obligation is civil damages, and laborers are not systematically responsible in civil damages, since the laborers are not the class who have but the class who have not.

7. The interests in the association are antagonistic. The servant's interest is the highest wages, and the master's the lowest wages. The two are in competition against each other. So too, the servant's treatment is proportioned to the master's interest, the master's interest is proportioned to the servant's value, and the servant's value is proportioned to the term of service, but this is variable and not systematic. In free labor therefore, the master takes <sup>no</sup> systematic interest in the servant's existence and progress, or his subsistence, security, health, education, enjoyment, morality and religion. Such is the rule.

8. The numbers of the association tend not to sufficiency but to deficiency or superficiency. As a rule, there is in free labor always either a surplus or a scarcity of laborers. The cause is that the labor-obligations are not capitalized or negotiable, and therefore cannot be transferred from one to another capitalist, and according to



those laws of demand and supply, which realize the highest appreciation and therefore the best treatment of the laborer. In free labor therefore, the laborers must have the desire to go, the knowledge to go and the ability, before they go to where most in demand. But the desire, knowledge and ability of the laboring class are proverbially not systematic. Hence the free labor circulation is essentially not systematic, and either a scant or surplus population is the rule or realization.

9. The distribution of the association is not publicly but privately adjudicated. The adjudicator of wages is not a disinterested third person. Sometimes the masters and sometimes the servants decree what shall be the wages: if labor is deficient, the servants; but if superfluous, the masters.

10. The wages of the association are decidedly just, underjust, or overjust. Justice is not the rule of distribution. Interest distributes. Hence the wages of the association are accidentally at, under or above the standard of subsistence; if under the standard, the realization is either unhealthy criminal want or mortal want; but if over the standard, either waste, idleness or accumulation, accidentally.

Such are the peculiarities of free labor.

Slave labor resembles, in many essentials, free labor. The peculiarities of slavery are these:

1. The nature of the association of master and servant is like that of free labor—not public but private. The master's relation, therefore, is not that of a public officer with public powers, rights, duties and responsibilities for public purposes, but that of a private citizen to a private subject. The slave's master, therefore, is not a magistrate, because not a responsible deputy of the State's just and regulated powers.

2. The motive to the association is not as in free labor—desire, but fear. Desire is the hireling's, but fear is the slave's labor-motive. The free system is voluntary

labor; the slave system is compulsory labor; one's essence is competition, and the other's is compulsion.

3. The origin of the association is not as in free labor, a private contract, but a public custom. According to custom, slaves are such by captivity, nativity or purchase.

4. The sanction of the association is not as in free labor, the public power, but the private power. The master's private power was slavery's hideous peculiarity, and produced all its horrors. At the formation of the Constitution, our negro labor-system was slavery, and the master's powers were sovereign, irresistible, unlimited, and irresponsible. There might perhaps have been some statutes prohibiting the wanton slaughter of slaves, but such prohibitions were rather for the sake of public morals than the slave's protection.

5. The value of the association is the laborer himself, and not, as in free labor, the private contract or labor-obligation. In the free system, the labor-obligation is property; but in the slave system, the laborer himself is property. The man himself is a negotiable chattel; his soul is ignored; he is a brute; he can be sheared like a sheep, branded like a mule, yoked like an ox, hobbled like a horse, marked like a hog, and maimed like a cur; he can be butchered like a beef, skinned like a buck, or scalded like a shoat; he can be hurled into a fishpond to fatten and flavor lampreys, or smeared with tar and set on fire to light ungodly dances.

6. The continuance of the association is systematic. This is slavery's eminent advantage over free labor. The hireling's association is a variable, whose functions are climates, soils, idiosyncrasies, race, education, morality, and religion. The free laborer thus works when he pleases, as long as he pleases, for whom he pleases, and for what he pleases. But the slave works not as he pleases, but as his master pleases. The slaves thus are economically so continuous, adaptable and regular, that strikes and idleness are virtually eliminated. Indeed,



slavery is nothing more than labor obeying unchecked, unregulated, and irresponsible capital.

7. The interests of the association are sometimes antagonistic, as in free labor, and sometimes syntonistic or harmonious. For instance, if there is such a superfluency of slaves and such a deficiency of subsistence, that the subsistence is worth more than the slave, then his interest is antagonistic to his master's. Such in Africa is regularly the case. There a slight surplus of subsistees makes a great scarcity of subsistence. It, therefore, is economically the direct interest of the headman to kill the subsistee and save the subsistence. Hence, slaves in Africa are sometimes slaughtered by the thousand. As life is cheap and living dear, the slaughter is a savage saving. But if there should be such a demand for African labor that the subsistee would always be worth more than the subsistence, then the destruction, or even the discomfort of the slave in Africa would be against the owner's interest, and the slave's treatment would be proportioned to the slave's improved value. To Africa, therefore, the most sublime philanthropy will be such a United States' demand for Africans as will make them worth on their own coasts not five but five hundred dollars. When Africans in Africa are worth five hundred dollars, then butcher chieftains, savage calculators, black and bloody economists will not cut three throats to save one barrel of rice, nor spill blood to punish the spilling of oil. Cannibalism would be economically suppressed; for if captives were worth five hundred dollars, their flesh would be worth about three dollars per pound. But even chieftains or wealthy headmen could not afford to eat meat worth three dollars per pound, and thus captives would be sold to the traders instead of being slain for the feasters, and would be cotton-pickers and christians instead of chops, cutlets and steaks. Regular human sacrifices also would cease, for even our wealthy churches could not afford regular of-

ferings so costly. It also is utterly impossible that  
 five hundred dollars could be slaughtered  
 at the master's grave. But more than all, if men in  
 Africa were worth five hundred dollars, there would be  
 a powerful check to the chieftains' petty wars. Not  
 even a savage headman would willingly risk in battle  
 soldiers worth five hundred dollars each, and the breed-  
 ing of slaves in peace would be more profitable than  
 the capture of slaves in war. Indeed peace would be  
 proportioned to its value, for such at last is the princi-  
 ple which will ultimately solve the world peace-prob-  
 lem. Hence, in Africa, as elsewhere, to increase the  
 master's interest, or the slave's value is to abolish canni-  
 balism, capricious killing, human sacrifices, caprici-  
 ous murder, and petty wars. The formula is, that  
 man's suffering, or in short savageism, is universally pro-  
 portioned to man's value; the discomfort is directly as  
 the depreciation, and the depreciation is diversely as  
 the demand for laborers. Hence, the less demand, the  
 more discomfort; the less worth, the more woe. For in  
 every community are but two classes; one are those  
 who have, and these are the capitalists; and the other  
 those who have not, and these are the laborers. But  
 their only possible means of subsistence are wages, and  
 the wages of laborers are and must be proportioned to  
 the demand for laborers. The laws prohibiting the  
 slave trade have therefore been the curse of Africa, be-  
 cause they have checked the demand and so depreciated  
 laborers, that in Africa a stalwart man may now be  
 bought for five dollars! A human life worth five dol-  
 lars!! Can it then be wondered that negroes in Africa  
 are butchered like hogs when negroes are worth no  
 more than hogs. Africans therefore must be econo-  
 mized before either civilized or christianized. They,  
 when worth three hundred dollars in Ashantee, will  
 cease to be savages; when worth five hundred, they  
 will cease to be heathens; and when worth seven

hundred, they will be almost equals of the enlightened American negro.

8. The numbers of the association accidentally tend to sufficiency, deficiency and superfluency. If the supply of slaves is from captivity, the tendency is superfluency; if from nativity, to deficiency; and if from purchase, to sufficiency.

9. The distribution of the association is not in free labor, not public but private. In slavery, the master distributes; but in free labor, the master sometimes, sometimes the servant and sometimes both concurrently.

10. The wages of the association are accidentally just or underjust.

Such are the ten peculiarities of slavery, the system opposite to free labor.

The third, or composite labor-system, embodies all of the effects and none of the defects of the other two. It bears to them the same relation which economic liberty bears to economic freedom on one extreme, and economic liberty on the other. It therefore is not free labor, and not slave labor; but is liberty ~~and~~ labor. It indeed is a system of so many felicities that the more patriots, philanthropists and benign philosophers consider, the more they will applaud it. And as the composite now is virtually the negro labor-system of the United States, South and therefore familiar to us all; its happy peculiarities may soon be noted, for they are not less distinct than delightful.

1. The nature of the association is not private, like that of free and slave labor, but public. The servants' relation to the master, therefore, is not that of hirelings to the hirer, nor that of slaves to the owner, but that of magistrates. This has been judicially decided. By judicial decision the master is not a private but a public person. The State to whom economic allegiance for the subsistence of all is as well due as political allegi-

ance for the security of all, associates, adapts and regulates the master's powers, rights, duties and responsibilities. And as a magistrate is nothing more than one having, for public purposes public powers, rights, duties and responsibilities, the master in the United States South, is a special subordinate magistrate, qualified for the conservation and administration of special public economy, special public peace, and special public health.

2. The motive to the association is not desire as in free, nor fear as in slave labor, but duty. The law of this duty is that everybody ought to work. Such is the law of nature. But both the free and labor systems realize a surplus of laborers, and are therefore against the law of nature, because the surplus laborers are necessarily unemployed, and cannot do their natural duty. Hence, in civilization the three kinds of labor are—voluntary labor, whose motive is desire; compulsory labor, whose motive is fear; and perfunctory labor, whose motive is duty.

The origin of the association is not a private contract as in free, nor a public custom as in slave labor, but a natural law. This is God's favorite statute, that everybody ought to work. The law is, in short, the assistance of all for the existence and progress of all. In this obligation of all to work, the obligor is the State and the obligee the worker. The labor-obligation is the laborer's economic allegiance. As this obligation is valuable to the State, in order to realize its highest appreciation, and therefore its best conservation and administration makes negotiable or transferrable the obligation. It thus is capitalized, and therefore subjected to the laws of capital. Then the State entrusts to the masters these capitalized labor-obligations. Thus the masters are the State's deputies, public officers or magistrates to administer in responsibility to the State the public powers and duties transferred to them.



4. The sanction of the association is not as in slave labor—the private power, but as in free labor—the public power. The master is a magistrate of limited jurisdiction. All punishment therefore must be magisterial. It must be begun in law, continued in law, and ended in law. The rule of the master's power is justice. The State's jurisdiction is over high crimes and misdemeanors, and the master's over petty offences only.

5. The continuance of the association is systematic. In this system, as in free labor, what is owned is the labor-obligation. It, in this system however, is systematically owned, and therefore may be systematically administered; but in free labor is irregularly owned, and therefore irregularly administered. Free labor, therefore, can never grow cotton, because only systematic labor can cultivate a systematic crop. England at length recognizes this simple principle, and now by means not of free laborers, but of pawns and slaves, has recently and alarmingly succeeded at Cape Coast Castle, to cultivate cotton.

6. The value of the association is not the laborer himself, as in slavery, but the labor-obligation as in free labor. The value owned characterizes each system. In slavery the value is in the laborer himself, but in the other two systems is in the labor obligation.

7. The interests in the association are systematically syntonistic, and not as in slave labor, sometimes antagonistic and sometimes antagonic. The master's interest in the labor-obligation is continuous.

8. The numbers of the association tend to systematic sufficiency, and not as in free and slave labor, to deficiency and superfluency, accidentally. The only possible method realizes this systematic sufficiency of population. This method is the capitalization of the labor-obligations. When labor-obligations are capital, they circulate according to the laws of capital and seek the high-



est appreciation. Systematic sufficiency of population. This method is the capitalization of the labor obligations. When labor obligations are capital, they circulate according to the laws of capital, and seek the highest appreciation. Systematic sufficiency of population, however, is perfection; superfluency is the starvation of laborers, and deficiency, the waste of capital.

9. The distribution of the association is publicly adjudicated, and not as in free labor, privately adjudicated by the masters only, the servants only, or by both concurrently, nor as in slavery, by the masters only. The rule of the public distribution is justice, the agent of the distribution is the State, and the act of distribution is the ordinance of work and wages. This ordinance is that regulating the negroes' hours of service, holidays, and food, raiment, habitation and peculium, and the other elements of their wages. As justice is the rule of distribution, the wages distributed can never vary below the standard of subsistence. The State, which is the organ of justice, fixes the standard of subsistence, and the members of subsistees are locally adjusted accordingly.

10. The wages of the association are systematically just, and not as in free and slave labor, accidentally just, under-just or over-just.

But what is this third labor system? What is this composite system which warrants so many excellencies, which has the freedom of free labor without its license, and the order of slavery without its tyranny? If not free labor and not slave labor, what is it? It is order applied to the States working forever. It is liberty labor. It is warranted association, adaptation, and regulation. It is the labor system of the United States South, it is WARRANTEESM.

The labor system of the United States South, began in slavery, and progressed. This progress was from a system which the Constitution contemplated and disapproved. From the system contemplated by the Constitution,

our negro labor has progressed to a system in which now the negro virtually has all the rights justly due him. We may safely challenge any jurist to point out a single fundamental right now due, and not enjoyed by our mis-called slaves. They have not, it is true, some peculiar franchises. This privation, however, is due to two facts, one temporary, and the other eternal. The abolition agitation is the temporary fact. It justly disqualifies the negroes to enjoy certain rights of education, assemblage, and locomotion. The eternal fact is the Diversity of Races. This fact necessitates caste for the purity and progress of races. But if the purity and progress of races is the States sublimest duty, negroes must never be citizens, because political amalgamation realizes sexual amalgamation. But the blood amalgamation of a superior and inferior race is degenerative, which is detestable, pernicious and damnable. Caste against ethnical incest and for the purity and progress of races, ought therefore to be the eternal fact, and negroes are never to be citizens, for the Republic is Caucasian.

In law, the difference between slave labor and our system as it was, and warrantee, or ours as it is, are as essential as indisputable. Slighter differences under the Roman law, distinguished from the slaves, the great laboring class of *Coloni*. Thus the learned and authoritative Guizot, says :—

“The name of *Coloni* was in fact borne by the greater part of the agricultural population of the empire ; *Coloni, rustici, originarii, adscripti, inquilini, tributarii, censiti*, all these words meant one and the same social state, a special class inhabiting the rural districts, and devoting themselves to agricultural labors.”

“Men of this class were NOT SLAVES ; THEY EVEN DIFFERED ESSENTIALLY FROM THEM, and that in numerous characteristics.”—

“Not only did the Roman law distinguish the bond laborers from the slaves, but it often formally qualifies

the first by the names of *full, free-born.*" 4. Guizot's Civilization, 37.

In the best faith therefore, and in the strictest law, a slight progress abolishes the legal status of the slave, and advances him into a class of associate laborers, who, in no possible way are slaves, but in essentials, differ from slaves.

Some, however, may deny that our labor system has so rapidly progressed as to be now pure warranteeism. Even that may be granted, but still if within the next twenty years, our negro labor system shall have progressed into warranteeism, this will be a progress into a system not contemplated by the Constitution.

Wherefore, the negro labor system of the United States South either is now warranteeism, or by progress may become such. If the system now is warranteeism, it now is lawful to procure the immigration of Africans to be warrantees. But if our system now is not warranteeism, then African apprentices may be introduced, and as their terms of service expire, our system may progress into warranteeism. The apprentice's elevation in warranteeism, will be against neither the letter nor spirit of the United States Constitution and laws, because never contemplated, and therefore, never prohibited.

Our States now have the right to procure the immigration of African apprentices or contract laborers. These apprentices may, without a violation of the United States Constitution or statutes, be elevated into our labor system; or African warrantees may be procured to immigrate, whenever any State shall enact this organic law:—

*Be it enacted.* That hereafter, our negro labor system shall be held, taken, and adjudged to be warranteeism, in which the masters shall be magistrates, property in man shall be abolished, labor obligations shall be capitalized, caste shall be maintained for the progress and purity of races, the negroes never shall be citizens, the rule of the distribution as of the system shall be justice, the agent

of the distribution shall be the State, and the act of distribution shall be the ordinance of work and wages.

The adoption of the following resolution is therefore recommended :

*Resolved*, That a committee of five be appointed to address our State Legislatures in favor of the African Labor Supply.







